

**TOWN OF WEST HARTFORD PUBLIC HEARING
SEPTEMBER 8, 2015**

**ORDINANCE PERMITTING MANUFACTURERS OF ALCOHOL INCLUDING
RETAIL SALES WHERE PERMITTED BY LAW**

President Slifka: Okay, we'll call the 6:55 Public Hearing to order. This is regarding an Ordinance Permitting Manufacturers of Alcohol Including Retail Sales Where Permitted by Law. Could we have a roll call, please, Ms. Labrot?
All Councilors were Present.

President Slifka: Here. Thank you. And we begin with a presentation from the administration. Mr. Alair is here.

Mr. Alair: Good evening, members of the Council. The Ordinance you have before you tonight is really very simple. It allows manufacturers of alcohol to be permitted in the industrial zones in West Hartford. We had recent cause to, or we had inquiry recently from a couple of microbreweries which wanted to locate in West Hartford and those breweries are permitted under a category of permit called a Manufacturer's Permit from the State. Under our Ordinances, such permits are not permitted in West Hartford, so we had to write an Ordinance to permit them. The weird thing about these permits is that though they are a manufacturer, they also allow retail sales, specifically in that type of permit, so those of you who have ever been to one of our local microbreweries, and I'm not gonna name my favorites, but you will know that they have tasting rooms and, in some cases, sell beer to the public at retail, using what are called growlers, large jugs. That is specifically allowed as is a tasting operation. The hours are much more limited than restaurants but, and they are not required to sell food but what we have done is taken our Outdoor Dining Ordinance, taken all of the criteria that are applicable to this kind of an operation, put them into the Ordinance...but because it's industrial and we've put in a 200 foot buffer requirement from any residential property, we have made it a site plan approval rather than requiring a Special Use Permit. The TP&Z was fine with that. In fact, the motion before them was made by Commissioner Gillette and I believe the exact form of the motion was move to recommend, nay, demand approval by the Council, so...that is our presentation.

President Slifka: Thank you, Mr. Alair, and I know there's a question. I'm just going to make sure I don't forget to do this, read in a letter dated August 4, 2015 from TPZ recommending approval as you just referenced and a letter dated August 11, 2015 from CRCOG finding no apparent conflict with regional plans and policies or the concerns of neighboring towns and a question from Mrs. Hall.

Councilor Hall: It's actually two questions. Would there be permitted the manufacture of something other than beer 'cause there's brandy, you know, all the different...

Mr. Alair: Yes. The short answer is yes but it's one type of permit, the Manufacturer's Permit. There are subcategories for distilled spirits and wine. I think the distilled spirits refers to eau de

vie but it's wine, distilled spirits, and beer. They are all available at, under that same class of permits so, by far, the most common is the brewery permit.

Councilor Hall: So then, is there an inconsistency with this and the fact that we don't allow whatever, nightclubs that just serve alcohol? What, what is to preclude us from ending up with a manufacturer producing hard liquor and open whatever hours serving liquor and...

Mr. Alair: The short answer is that the State permit strictly limits their hours of operation, far more than is true of restaurants or cafes, which is what a nightclub normally is. I forgot to bring my copy of the Statutes with me but if I recall correctly, the latest that one of these operations can be open is 9:00 p.m. on I think it's Friday and Saturday nights. They have to be closed by, I wanna say 5:00 or 6:00 p.m. every other night of the week, so you really can't have that possibility.

Councilor Hall: Thank you.

President Slifka: Okay. Any other questions? Mrs. Kindall?

Councilor Kindall: Following up on Mrs. Hall's question, does this require, this is require then also to provide food?

Mr. Alair: No, it does not. And the State permit does not require them to provide food.

Councilor Kindall: So, is there some reason we aren't asking them to provide food as part of this?

Mr. Alair: Um...quite honestly, we felt no reason to ask them to provide food. That's gonna be driven by their market. If you impose a requirement that they provide food that is not required under their permit, it may actually push them into a different class of permit. That's one problem. And the other problem is that none of the other towns around us that have these facilities require them to provide food and you put them at a competitive disadvantage. Some of these operations, I think it's Stony Creek down in Branford, actually has a local food truck that comes and sits there during the days and I'm, I've heard that others around the country have a similar kind of a program. But if you go to some of the more local ones, Hooker and Back East Brewing in Bloomfield, are the two closest. Neither of them provides food. You can certainly bring your own. You can stop and get a sandwich or whatever before you go. And they really aren't set up, it's not like these places are set up for a long-duration sitting and drinking. You go and you taste and usually when you go, you pay for a tour of the brewery and the price of the tour includes samples and you'll get one, two, three, six samples, depending on where you go, of various sizes and that's what people are drinking. When they sell it retail, *usually* they're selling to go. Some places will sell by the pint but that's relatively rare.

Councilor Kindall: So, by approving this Ordinance, we would be approving both; they could either sell by the pint and have people stand there and drink a couple of pints or several pints...

Mr. Alair: Yeah. You're approving whatever would be permitted through a Manufacturer's Permit.

Councilor Kindall: Okay. And this is only for the industrial section?

Mr. Alair: Only in the industrial zones, 200 foot buffer from residential areas, and with the sort of operational criteria for an outdoor or locational criteria for an outdoor dining area, which are built into the Ordinance; fencing, separation, I've forgotten all of the rest of them. Bear with me for a second.

Councilor Kindall: Well, and while you're on the outdoor dining, why not, why no pets?

Mr. Alair: I'm sorry, what?

Councilor Kindall: Why no pets if you're not serving food? You've got animals, I think it's...yeah, only service dogs. Animals should not be permitted.

Mr. Alair: Because I was copying all of the requirements from the Outdoor Dining Ordinance and I just left that one in, saw no reason to delete it. I'd be happy to but...

Councilor Kindall: I'm just thinking if there's no food...

Mr. Alair: There is no food. There...there may be sanitation requirements for the manufacturer of alcohol. I know that when I brew at home, I try to keep my brewing area very clean.

Councilor Kindall: Right, though I presume the out-, they're not brewing in the outdoor dining area.

Mr. Alair: That's true.

Councilor Kindall: So...okay. Thank you.

President Slifka: Okay, thank you. Anybody else? Mrs. Cantor then Mr. Davidoff.

Councilor Cantor: So...the food truck...I've been several with food trucks that are an option. If that, that is not prohibited in this zoning...

Mr. Alair: Yes.

Councilor Cantor: ...again, if animals were allowed, would that create, I don't think it does because if you have fairs and you have dogs walking around, you still cannot...

Mr. Alair: The food truck is self-contained...

Councilor Cantor: Right.

Mr. Alair: ...and that's what gets the food license, so animals around the truck are not prohibited.

Councilor Cantor: But is there anything special we have to do to permit them or is there a limit to one per site or you could have four?

Mr. Alair: No. The only limit that, there's nothing in this Ordinance that addresses food trucks at all. The rules regarding food trucks are the same here as anywhere else. You can't use the public streets because of the way our Ordinances are written. You can park a food truck on private property, as long as you're not taking up required parking spaces. Um...they're allowed.

Councilor Cantor: Can a food truck stay there for several weeks or is it something that...

Mr. Alair: At some point we're gonna tell somebody this is no longer a mobile food truck. This is part of your operation and you need a site plan for it. We've had other, not restaurants but other sites where people have parked. One example that comes to mind is we had a site where

someone parked an outdoor advertising truck, advertising another facility at a different location and we said that's not allowed because it had been sitting there so long that it was effectively permanent.

Councilor Cantor: Okay, and my last question, there's nothing precluding any of the craft breweries from serving food themselves in this Ordinance, is there?

Mr. Alair: The Permit, the Manufacturer's Permit, says if I recall correctly the exact phrase is 'with or without the service of food' so it appears that it's allowed. What we have seen and it may be a question of permits changing over the years, some of the earliest of these kinds of operations, City Steam is the best example, appears to have a Restaurant Permit now rather than a Manufacturer's Permit and that may be a byproduct of them wanting to have longer hours than are allowed under a Manufacturer's Permit. So it might be that you can do it. I don't think there's anything that prohibits you from selling food as long as you have a food license but what ends up happening is that drives you then into wanting to be open longer, which in turns drives to having to have a restaurant license.

President Slifka: Mr. Davidoff.

Councilor Davidoff: Thank you. So, the way that it's drafted, these would just appear in industrial zones only within, as long as they're 250 feet away from a residential area.

Mr. Alair: 200.

Councilor Davidoff: I'm sorry, 200. So there's no likelihood that this could then be in a retail center?

Mr. Alair: No. As a matter of fact, part of the reason, the reason why we had to create a separate class for them in our schedule of permitted main uses is because manufacturing, we could've just said it's a manufacturing use like any other manufacturing use but manufacturing is permitted in the BG zone and we wanted to exclude it from the BG zone so we created its own class and it's not permitted in that zone.

Councilor Davidoff: So, as this craft beer industry has, is starting to evolve and you're hearing more about microbreweries and everything, is there any trend nationally that people will find establishments like this in a retail zone, where it becomes like the attraction of a particular community, where it becomes so well-known that you would want it in a retail space zone? I'm just thinking as our retail spaces undergo transformation and new industries are being developed, would this one that is highly regulated, obviously, by the State of Connecticut be a bad choice...in a retail district?

Mr. Alair: Sure. A couple of points about that. First of all, these things are primarily manufacturing.

Councilor Davidoff: Okay.

Mr. Alair: And if you've ever been to a brewery, there is a smell, which some find appealing others do not, that goes with the brewing process. They require large, relatively high spaces. They require cement floors that can be hosed down. They aren't really, the manufacturing process itself really isn't that compatible with what you would think of as a neighborhood business use. The retail sale side, maybe and you could still do that by having your brewery

down in an industrial zone and a separate retail space. They're, the, perhaps the best-known craft brewery in North America is Dogfish Head and that's exactly what they do. They have a brewery in Milton, Delaware and they have a retail space in Rehoboth, I think it is.

Councilor Davidoff: The reason I ask is there was a brewery in the restaurant on the Berlin Turnpike called Hops.

Mr. Alair: Yes.

Councilor Davidoff: There was a restaurant...

Mr. Alair: Yup.

Councilor Davidoff: ...and they did their own manufacturing there and it seemed to work. Initially, it attracted people until that whole concept fizzed out so I'm, so something like...something like that would not be...something like that wouldn't be permitted in West Hartford?

Mr. Alair: It would be permitted...again, I don't know what kind of license they were operating under. They may have had two separate licenses; one to operate a brewery and one to operate a restaurant and that the spaces were adjoining but separated in some way. I can't tell you what kind of permit they had. That would not be permitted, a brewery, manufacturing facility would not be permitted in a retail zone. It doesn't mean that at some point in the future we couldn't amend the Ordinance to go in that direction but for the time being, we had inquiries from a couple of different people. They were looking at industrial zones. This worked for them and we didn't need to address any of the concerns that you might need to address if you expanded it to other retail areas so we decided to be cautious.

Councilor Davidoff: So, obviously, we must've looked at available parcels that people had this inquiry and they were adequate selection of parcels available for, to run an enterprise like this?

Mr. Alair: Yes. In fact, both of the parcels that people were looking at at the time qualified and they were two separate parcels, so...and it's not like we're gonna need dozens. I wish but...

Councilor Davidoff: All right. Thanks.

President Slifka: Mrs. Casperson.

Councilor Casperson: Thank you, Mr. Mayor. So I guess I have a two-phased question. The first is if we could have one food truck would be then more food trucks? Would this be that trend that's going towards food truck events and, which in an industrial area, could be. Is that something that we want to consider the rules around and how that might impact the businesses around that area? I've seen that in other places. And then the other side would be if, as Councilor Davidoff was speaking about, it was something that would move into more of a shopping area and then would that then be allowed there or on any part of that?

Mr. Alair: I'm sorry. Taking your two-phases. The first step is in the industrial zone, again, we're talking about they're approved by site plan approval. If they wanna have food trucks as a regular, recurring event, the Town Planner will require them to show where the food trucks are gonna be parked so that's going to drive, that plus the parking requirements are going to drive how many food trucks you might be able to have on your premises at any given time. You might

be able to have more than one but you might have a tight site and you might not be able to fit more than one so that's gonna be the driver, not is there a maximum or a minimum number. There isn't in the Ordinance. Really, the same issue applies to retail spaces or locations, though in many case our retail locations are malls, shared parking arrangements, and there you have a site plan that has to work for everybody. Now some of those places may be only open during the week and on weekends they may be able to make arrangements for food trucks in some of those shared parking so a slight variation but it would all be reviewed at the site plan stage.

President Slifka: Thank you, Mrs. Casperson. Anybody else? Mr. Doar?

Councilor Doar: Thank you, Mr. Mayor. Mr. Alair, on the scheduled permitted main uses, there are four different industrial districts.

Mr. Alair: Correct.

Councilor Doar: In this Ordinance, all four will be eligible?

Mr. Alair: Correct.

Councilor Doar: Can you just refresh my memory what the difference between IP, IE, IR, and IG?

Mr. Alair: No. [Laughs] I couldn't. They are four separate classes. The most common, I'm tryin' to remember, is the IG, the Industrial-General. IP is Industrial-Park, which is more of a planned and very tiny...we only have, there are two of those.. The IP and IR, we only have very, very small areas. The IG and the IE, we have more of. The IG is by far the largest. They are all essentially located in the southeast industrial quadrant. Our Ordinances...yeah...IP is Industrial...I misspoke. IP is Industrial-Park; IE is Exclusive Industrial District; IG is General Industrial District; and there is an IR, which...for some reason isn't listed under Industrial Districts. Is that the Residential, Institutional, I think that may be. But, essentially, they are all in that southeast quadrant of town. The standards applicable in each of the zones varies slightly but they are all essentially industrial in nature.

Councilor Doar: The reason I bring it up it is that most cases where we've permitted something under the Key B, which is permitted use subject to an issuance of a building or zoning permit and subject to Section 177.42(b). You've gone ahead and listed this for industrial zones except, curiously, there are some exceptions like kennels are not permitted in IP and IE but they are permitted in IR and IG and that's what triggered the question...

Mr. Alair: Sure.

Councilor Doar: ...as to why, in this proposed Ordinance, you elected to let it cover all four different types of industrial zones. And maybe you don't know but and maybe you don't think it's that's immaterial but that, I just wanted to get, I was curious about it.

Mr. Alair: I can't tell you why kennels aren't permitted. That one, I believe, predates me. I know it predates me. And I can't tell you what the rationale was for that. What I can tell you is that over the years in our industrial zones as we have gone back to concepts of mixed-use between commercial-residential, and even industrial-residential, the limits on what we allow in industrial zones have actually narrowed rather than expanded so the idea...really, what we want, what we're looking for and part of the reason we talked about doing this in all four of the

industrial zones is our industrial zones on weekends are largely empty. They're largely vacant. For a lot of reasons, putting some life into them is a good thing. We're allowing, we've already adopted an Ordinance allowing residential uses in industrial zones. You wanna see some life in there and this is a way of attracting a use, which is more busy on weekends than during the week. Putting it in all four, there was no reason that we could think of not to.

Councilor Doar: Okay, thank you very much.

President Slifka: Anybody else? Okay. Then if no more comments, can we get the signup sheet, please, Mr. Alair? Thank you. Is there anybody who did not sign up who wished to speak to the subject matter of this public hearing. Okay...then if there's nothing further, we'll close the Public Hearing and thank Mr. Alair for his special expert testimony on the issue of craft breweries. [Laughter]

Public Hearing closed at 7:20 p.m.



Essie S. Labrot
Town Clerk/Council Clerk